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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,823	02/27/2004	Phillip M. Watson	P00813-US-00 (15859.0053)	8238
22446	7590	08/10/2005	EXAMINER	
ICE MILLER ONE AMERICAN SQUARE BOX 82001 INDIANAPOLIS, IN 46282			LEE, GUNYOUNG T	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/789,823	WATSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gunyoung T. Lee	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 11-20 is/are rejected.
- 7) ☒ Claim(s) 4-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1 and 2 are objected to because of the following informalities: The term "automatic headlamp" in line 1 of claims 1 and 2 is not consistent with the term "automotive headlamp" used in line 1 of claims 3-10 and 17-20. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 17, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Solosabal et al. (US 1,514,869).
4. Solosabal Lackore et al. disclose a dirigible mechanism for headlights having:
  - A first movable reflector (p. 2, lines 8-14);
  - A second movable reflector (Fig. 1, 17);
  - An adjuster (Fig. 1 and Fig. 3, 28) connecting the first reflector to the second reflector (p. 2, lines 8-14) through a connecting mechanism (Fig. 1, 15, 26, 27);
  - Wherein the adjuster (Fig. 1 and Fig. 3, 28) arranged to move the first reflector and the second reflector simultaneously (p. 2, lines 53-57);

- A means for adjusting a reflector with a gear adjuster (Fig. 1, 21, 22, 25) (p. 1, lines 99-108).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

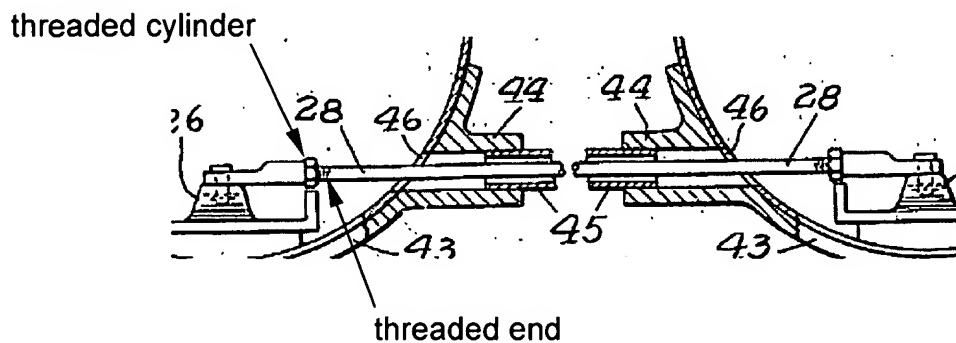
7. Claims 2, 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solosabal et al. (US 1,514,869) as applied to claims 1, 17 and 18 above, and further in view of Fleury (US 3,614,416).

8. In regards to claims 2, 3 and 19, Solosabal et al. disclose the invention substantially as claimed except for:

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- A threaded cylinder disposed on one end of an adjuster bracket (claim 2);
- A ball socket disposed on a reflector (claim 3);
- A means for adjusting a reflector is a ball stud (claim 19).

9. In regards to the threaded cylinder, Solosabal et al. do not disclose expressly for the threaded cylinder on one end of the adjuster. However, Solosabal et al. teach an adjusting mechanism as a combination of the threaded ends of the adjuster and the connected threaded cylinders.



It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the adjusting mechanism as a combination of the threaded cylinder ends of the adjuster and the externally threaded rods because it is well known in the art that the modification with different combinations does not alter a function of the adjuster (Fig. 1, 28) to adjust the relative distance between two reflectors.

10. In regards to the ball socket and stud, Fleury teaches the use of the ball-socket joints (Fig. 1, 3, 5) for pivotal connection to a structure (4) and to an adjuster (6) in an adjustable headlight system. Fleury does not expressly teach the locations of ball

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sockets, i.e. the ball socket can be placed on a reflector of a lamp (Fig. 1, 1) and the stud on a structure of a vehicle (4) or vice versa. It is well known in the art that any selection from those options provides equivalent function. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the pivotal connecting mechanisms (18, 19, 21 in Fig. 1 to a structure, and 26, 27 in Fig. 1 to an adjuster) on both first and second reflectors of Solosabal et al. with the ball-socket joints as shown in Fleury to provide equivalent pivotal functions with simple mechanisms which will reduce the cost in manufacturing and maintenance.

11. Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solosabal et al. (US 1,514,869) in view of Fleury (US 3,614,416).

12. Solosabal et al. is discussed in the rejection of claims 1 and 17. In regards to claims 11-16, the claims 11-16 are drawn to a method corresponding to the apparatus of claims 1-3 and 17-20 above. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to operate the device for adjusting reflectors to obtain the optimal illumination with headlights for a safe drive.

### ***Allowable Subject Matter***

12. Claims 4-10 are objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claims 4-10 are allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a headlight system which includes "a ball stud that is threaded through the threaded cylinder and retained by reflector's at least one ball socket" disposed on one end of the adjuster. It is noted that the closes prior art, Solosabal et al. (US 1,514,869) shows a similar apparatus which includes a movable reflector (Fig. 1, 17) connected by an adjuster (28) through a yoke (15) with a pivotal connection between the yoke (15) and the bracket (28). Since the pivotal connection is between the adjuster (28) and the yoke (15), the modification of the pivotal joint with a ball socket does not guarantee that the ball stud linked to the adjuster is directly retained by a ball socket on a movable reflector.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lewis et al. (US 5,483,426) show a vehicle headlamp having: a reflector housing (Fig. 1, 10); a bracket (20); a first adjustment device (26) with a ball (32), stud (30) and socket (40); and a second adjustment device (34) with gears (Fig. 2, 64, 76). Krieg et al. (US 2003/0012028) show a headlight system having: reflectors (Fig. 1, 10, 12); and adjusting device (16) with a gear device (20). Two movable reflectors (Fig. 1, 10) can be adjusted separately or synchronously (Abstract, lines 1-4).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached on 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GTL  
8/3/2005

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